

REMARKS

Claims 27 and 79-93 are pending in the present case. The Examiner has required a restriction under 35 U.S.C. § 121 to one of the following groups:

Group I: claims 27 and 79-85, drawn to peptides and insecticidal hybrid proteins;

Group II: claims 27 and 86-93, drawn to peptides and insecticidal hybrid proteins.

RESTRICTION REQUIREMENT

In response to the Examiner's restriction requirement, Applicants elect to pursue the Group I claims 27, and 79-85, drawn to peptides and insecticidal hybrid proteins that are represented by SEQ ID NO: 14 and SEQ ID NO:26 and comprise the general structural make up having domains I and II of a first native *B. thuringiensis* delta-endotoxin Cry1Ab or a combination Cry1Ab/Cry1Ac protein, domain III of a second native *B. thuringiensis* delta-endotoxin Cry1F protein, and all or a portion of a protoxin segment of a native delta endotoxin Cry1A, Cry1F or combination Cry1F-Cry1A protein. Applicants hereby amend, without prejudice, claim 27 to delete reference to the non-elected amino acid sequence. Accordingly, Applicants cancel non-elected claims 86-93 without prejudice to filing future divisional applications.

Applicants respectfully traverse the requirement to elect a single sequence within the group I proteins. Applicants propose that the representative group I SEQ ID NO:14 and SEQ ID NO:26 hybrid proteins fall into the same class, since they are represented by the general structure having domains I and II of a first native *B. thuringiensis* delta-

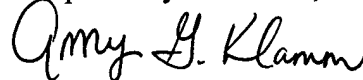
endotoxin Cry1Ab or a combination Cry1Ab/Cry1Ac protein, domain III of a second native *B. thuringiensis* delta-endotoxin Cry1F protein, and all or a portion of a protoxin segment of a native delta endotoxin Cry1A, Cry1F or combination Cry1F-Cry1A protein. Furthermore, the representative sequences SEQ ID NO:14 and SEQ ID NO:26 have already been searched in a related application, now U.S. Patent No. 6,017,534. Thus, the Examiner's search for the presently elected group of hybrid delta endotoxins would not be burdensome.

In the absence of reconsideration of the election requirement, Applicants elect to pursue SEQ ID NO:14.

Applicants believe that the presently pending claims are in condition for allowance, and respectfully request that they be allowed. The Examiner is encouraged to call the undersigned should any further action be required for allowance.

The Commissioner is authorized to charge the one-month extension fee of \$110, to Deposit Account No. 01-2508/11792.0215.DVUS02. Should any additional fees be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from Deposit Account No. 01-2508/11792.0215.DVUS02.

Respectfully submitted,



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